

CLOSED

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:05-cv-00889-LDW
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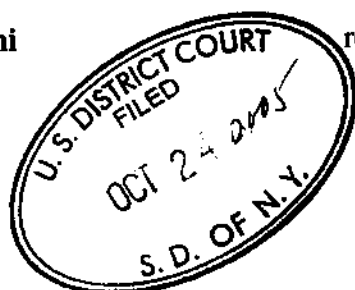
McIntosh v. Veeco Instruments Inc. et al
Assigned to: Senior-Judge Leonard D. Wexler
Related Cases: 2:05-cv-01277-LDW
2:05-cv-00967-LDW
2:05-cv-01337-LDW
2:05-cv-01624-LDW-ETB
2:05-cv-01552-LDW-ETB

Date Filed: 02/16/2005
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Cause: 15:78m(a) Securities Exchange Act

Movant

Ratan LalChandani



represented by **Christopher Joseph Keller**
Labaton Sucharow & Rudoff LLP
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LEAD ATTORNEY

Movant

The Steelworkers Pension Trust

represented by **Sharon Maine Lee**
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ATTORNEY TO BE NOTICED

Movant

**NECA-IBEW Pension Fund (The
Decatur Plan)**

represented by **Mario Alba, Jr.**
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& Robbins LLP
200 Broadhollow Road
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Melville, NY 11747
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Fax: 631-367-1173
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ATTORNEY TO BE NOTICED

Movant

Capitanio Group

represented by **Aaron L. Brody**
 Stull Stull & Brody
 6 East 45th Street
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 New York, NY 10017
 212-687-7230
 Fax: 212-490-2022
 Email: ssbny@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Andrew McIntosh
*Individually and On Behalf of All
 Others Similarly Situated*

represented by **Evan Jason Smith**
 Brodsky & Smith, LLC
 240 Mineola Blvd.
 Mineola, NY 11501
 516-741-4977
 Email: esmith@brodsky-smith.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Veeco Instruments Inc.

Defendant

Edward Braun

Defendant

John Rein, Jr.

| Date Filed | # | Docket Text |
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| 02/16/2005 | ● <u>1</u> | COMPLAINT against Veeco Instruments Inc., Edward Braun, John Rein, Jr filing fee \$ 250, receipt number 305955, filed by Andrew McIntosh. (Attachments: # <u>1</u> Civil Cover Sheet)(Duong, Susan) (Entered: 02/23/2005) |
| 02/16/2005 | ● | Summons Issued as to Veeco Instruments Inc., Edward Braun, John Rein, Jr. (Duong, Susan) (Entered: 02/23/2005) |
| 02/28/2005 | ● | Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 02/28/2005) |
| 04/04/2005 | ● <u>2</u> | STIPULATION re <u>1</u> Complaint <i>to be amended within sixty (60) days of the appointment of lead plaintiff and lead counsel. Defendants must answer, move or otherwise respond to the consolidated amended complaint forty-five (45) days after the filing of the consolidatd amended</i> |

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| | | <i>complaint with the court. Service of Plaintiff's Original Class Action Complaint accepted by Veeco Instruments Inc., Edward Braun, John Rein, Jr. (Serio, Robert) (Entered: 04/04/2005)</i> |
| 04/04/2005 | ●3 | ORDER The above-captioned case has been referred to E. Thomas Boyle, USMJ, for purposes of scheduling discovery, resolution of discovery disputes, settlement conferences and any other purposes set forth at 28 U.S.C. 636(b)(1)(A). Initial Conference set for 6/28/2005 09:30 AM before Magistrate-Judge E. Thomas Boyle. (See order for further instructions). Signed by Judge E. Thomas Boyle on 4/4/05. (Lundy, Lisa) (Entered: 04/05/2005) |
| 04/06/2005 | ● | ORDER re 2 Stipulation, filed by Edward Braun,, Veeco Instruments Inc., John Rein, Jr. So Ordered. Signed by Judge Leonard D. Wexler on 04/06/05. (Ausili, Peter) (Entered: 04/06/2005) |
| 04/18/2005 | ●4 | MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> by Ratan LalChandani. (Keller, Christopher) (Entered: 04/18/2005) |
| 04/18/2005 | ●5 | AFFIDAVIT in Support re 4 MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> filed by Ratan LalChandani. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit)(Keller, Christopher) (Entered: 04/18/2005) |
| 04/18/2005 | ●6 | RESPONSE in Support re 4 MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> filed by Ratan LalChandani. (Keller, Christopher) (Entered: 04/18/2005) |
| 04/18/2005 | ●7 | MOTION to Appoint Counsel <i>NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL</i> by The Steelworkers Pension Trust. (Attachments: # 1 Text of Proposed Order)(Lee, Sharon) (Entered: 04/18/2005) |
| 04/18/2005 | ●8 | RESPONSE in Support re 7 MOTION to Appoint Counsel <i>NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL</i> filed by The Steelworkers Pension Trust. (Attachments: # 1 Certificate of Service)(Lee, Sharon) (Entered: 04/18/2005) |
| 04/18/2005 | ●9 | AFFIDAVIT in Support re 7 MOTION to Appoint Counsel <i>NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL Declaration of Peter E. Seidman</i> filed by The Steelworkers Pension Trust. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D (part I)# 5 Exhibit D (part II)# 6 Exhibit E)(Lee, Sharon) (Entered: 04/18/2005) |

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| 04/18/2005 | ● <u>10</u> | MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> by NECA-IBEW Pension Fund (The Decatur Plan). (Attachments: # <u>1</u> Text of Proposed Order)(Alba, Mario) (Entered: 04/18/2005) |
| 04/18/2005 | ● <u>11</u> | AFFIDAVIT in Support re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> filed by NECA-IBEW Pension Fund (The Decatur Plan). (Attachments: # <u>1</u> Exhibit A - certification# <u>2</u> Exhibit B - loss chart# <u>3</u> Exhibit C - notice of first filed action# <u>4</u> Exhibit D - firm resume)(Alba, Mario) (Entered: 04/18/2005) |
| 04/18/2005 | ● <u>12</u> | RESPONSE in Support re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> filed by NECA-IBEW Pension Fund (The Decatur Plan). (Alba, Mario) (Entered: 04/18/2005) |
| 04/18/2005 | ● <u>13</u> | MOTION to Appoint Counsel by Capitanio Group. (Attachments: # <u>1</u> Memorandum in Support# <u>2</u> Text of Proposed Order # <u>3</u> Affidavit # <u>4</u> Exhibit A# <u>5</u> Exhibit B# <u>6</u> Exhibit C# <u>7</u> Exhibit D)(Brody, Aaron) (Entered: 04/18/2005) |
| 04/21/2005 | ● <u>14</u> | ORDER. The initial conferences previously set for June 28, 2005 at 9:30 a.m. before the undersigned have been rescheduled for October 17, 2005 at 9:30 a.m. at the Alfonse M. D'Amato U.S. Courthouse, Courtroom 830, Central Islip, New York. All counsel shall be present. SEE order for further details. Ordered by Judge E. Thomas Boyle on 4/21/05. Defendants' counsel is directed to serve a copy of this order on all parties upon receipt. (Joy, Dolores) (Entered: 04/21/2005) |
| 04/29/2005 | ● <u>15</u> | NOTICE by Veeco Instruments Inc., Edward Braun, John Rein, Jr <i>have filed with the Judicial Panel on Multidistrict Litigation ("MDL Panel") a Motion to Transfer and Consolidate Actions ("Motion") pursuant to 28 U.S.C. ? 1407</i> (Attachments: # <u>1</u> Exhibit A - Notice of Motion# <u>2</u> Exhibit B - Memorandum of Law# <u>3</u> Exhibit C - Declaration)(Serio, Robert) (Entered: 04/29/2005) |
| 05/02/2005 | ● <u>16</u> | MEMORANDUM in Support re <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> by Ratan LalChandani. (Keller, Christopher) (Entered: 05/02/2005) |
| 05/02/2005 | ● <u>17</u> | RESPONSE in Opposition re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> , <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> , <u>13</u> MOTION to Appoint Counsel <i>The Steelworkers Pension Trust's Memorandum of Law in Further Support of Its Motion for Appointment as Lead Plaintiff and In Opposition to the Competing Motions for Appointment as Lead Plaintiff</i> filed by The Steelworkers Pension Trust. (Attachments: # <u>1</u> Certificate of Service)(Lee, Sharon) (Entered: 05/02/2005) |
| 05/02/2005 | ● <u>18</u> | AFFIDAVIT in Opposition re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> , <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> , <u>13</u> MOTION to Appoint Counsel <i>Declaration of Peter E. Seidman In Further Support of Motion by The Steelworkers Pension Trust For Consolidation, For Its</i> |

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| | | <i>Appointment As Lead Plaintiff and For Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel</i> filed by The Steelworkers Pension Trust. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Lee, Sharon) (Entered: 05/02/2005) |
| 05/05/2005 | ● <u>19</u> | AFFIDAVIT in Opposition re <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> , <u>7</u> MOTION to Appoint Counsel <i>NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL</i> , <u>13</u> MOTION to Appoint Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Alba, Mario) (Entered: 05/05/2005) |
| 05/05/2005 | ● <u>20</u> | RESPONSE in Opposition re <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> , <u>7</u> MOTION to Appoint Counsel <i>NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL</i> , <u>13</u> MOTION to Appoint Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Alba, Mario) (Entered: 05/05/2005) |
| 05/11/2005 | ● <u>21</u> | MOTION to Withdraw as Attorney by <i>Marc Topaz, Esquire, Richard Maniskas, Esquire and Schiffrin & Barroway, LLP</i> by Andrew McIntosh. (Attachments: # <u>1</u> Declaration of Richard Maniskas in Support of Withdrawal as counsel# <u>2</u> Proposed Order# <u>3</u> Proof of Mailing)(Smith, Evan) (Entered: 05/11/2005) |
| 05/11/2005 | ● <u>26</u> | Letter from Wm. Terrell Hodges, Chairman, JPMDL, to Involved Judges dated 5/4/05 re: presently before the Panel pursuant to 28:1407 is a motion to transfer which includes at least one action before you re: MDL-1695 In re Veeco Instruments Inc. Securities Litigation. The parties will have an opportunity to fully brief the question of transfer and the matter will be considered at a bimonthly Panel hearing session. In the meantime, your jurisdiction continues until any transfer ruling by the Panel become effective. (Mahon, Cinthia) (Entered: 05/16/2005) |
| 05/12/2005 | ● <u>22</u> | RESPONSE in Support re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> filed by NECA-IBEW Pension Fund (The Decatur Plan). (Alba, Mario) (Entered: 05/12/2005) |
| 05/12/2005 | ● <u>23</u> | REPLY to Response to Motion re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> , <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff THE STEELWORKERS PENSION TRUST'S REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND IN OPPOSITION TO THE COMPETING MOTIONS FILED BY RATAN LALCHANDANI AND NECA-IBEW PENSION FUND (THE DECATUR PLAN)</i> filed by The Steelworkers |

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| | | Pension Trust. (Attachments: # <u>1</u> Certificate of Service)(Lee, Sharon) (Entered: 05/12/2005) |
| 05/12/2005 | ● <u>24</u> | RESPONSE in Opposition re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> , <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> , <u>7</u> MOTION to Appoint Counsel <i>NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL</i> filed by Ratan LalChandani. (Keller, Christopher) (Entered: 05/12/2005) |
| 05/12/2005 | ● <u>25</u> | AFFIDAVIT in Support re <u>10</u> MOTION to Consolidate Cases <i>Appoint Lead Plaintiff and Approve Lead Counsel</i> , <u>4</u> MOTION to Consolidate Cases <i>and for Appointment as Lead Plaintiff</i> <i>DECLARATION OF PETER E. SEIDMAN IN SUPPORT OF REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF STEELWORKERS PENSION TRUST MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND IN OPPOSITION TO THE COMPETING MOTIONS FILED BY RATAN LALCHANDANI AND NECA-IBEW PENSION FUND (THE DECATUR PLAN)</i> filed by The Steelworkers Pension Trust. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I)(Lee, Sharon) (Entered: 05/12/2005) |
| 05/24/2005 | ● <u>27</u> | NOTICE by The Steelworkers Pension Trust <i>NOTICE OF FILING OF THE STEELWORKERS PENSION TRUSTS RESPONSE TO THE MOTION OF VEECO INSTRUMENTS, INC., EDWARD H. BRAUN AND JOHN F. REIN, JR., TO TRANSFER AND CONSOLIDATE ACTIONS FOR PRETRIAL PROCEEDINGS</i> (Attachments: # <u>1</u> Exhibit A)(Lee, Sharon) (Entered: 05/24/2005) |
| 05/24/2005 | ● <u>28</u> | NOTICE by NECA-IBEW Pension Fund (The Decatur Plan) <i>Filing Of NECA-IBEW Pension Fund's Memorandum Of Law In Response To Defendants Veeco Instruments Inc., Edward H. Braun and John F. Rein, Jr.'s Motion To Transfer And Consolidate Actions For Pretrial Proceedings</i> (Attachments: # <u>1</u> Exhibit A)(Alba, Mario) (Entered: 05/24/2005) |
| 06/06/2005 | ● <u>29</u> | NOTICE by Veeco Instruments Inc., Edward Braun, John Rein, Jr of <i>Filing with MDL Panel of Reply Memorandum in Support of the Motion to Transfer and Consolidate Actions</i> (Serio, Robert) (Entered: 06/06/2005) |
| 06/17/2005 | ● <u>30</u> | Letter from Michael J. Beck, Clerk, JPMDL, dated 6/14/05 re: Notice of Hearing Session on 7/28/05 at the Alfred A. Arraj U.S. Courthouse in Denver, Colorado 80202 at 9:30 a.m. re: MDL-1695 In re Veeco Instruments Inc. Securities Litigation. (Mahon, Cinthia) (Entered: 06/23/2005) |
| 08/25/2005 | ● <u>32</u> | Letter from Dorothy Guranich, Deputy Clerk, SDNY, to Clerk, EDNY, |

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| | | dated 8/23/05 re: enclosing a cert. copy of the transfer order of the JPMDL transferring this action to the SDNY and assigning it to Judge McMahon for coordinated or consolidated pretrial proceedings pursuant to 28:1407. RE: MDL-1695 In re Veeco Instruments Inc. Securities Litigation SDNY Case # 05cv7446 (Mahon, Cinthia) (Entered: 10/07/2005) |
| 08/25/2005 | ●34 | TRANSFER ORDER (cert. copy) pursuant to 28:1407 this action is transferred to the SDNY, with the consent of that court, and assigned to the Hon. Colleen McMahon. Issued by the JPMDL on 8/22/05. Re: MDL-1695 In re Veeco Instruments Inc. Securities Litigation. (Mahon, Cinthia) (Entered: 10/07/2005) |
| 08/25/2005 | | ***Civil Case Terminated. (Mahon, Cinthia) (Entered: 10/11/2005) |
| 08/26/2005 | ●31 | Letter from Clerk, JPMDL, to J. Michael McMahon, Clerk, SDNY, dated 8/22/05 re: enclosing a cert. copy of a transfer order filed today by the Panel in this matter. The Panel's governing statute 28:1407, requires that the transferee clerk "transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred. RE: MDL-1695 In re Veeco Instruments Inc. Securities Litigation (Mahon, Cinthia) (Entered: 09/14/2005) |
| 10/07/2005 | ●33 | ORDER. The initial conference scheduled for October 17, 2005 at 9:30 a.m. is canceled, based on the MDL Panel Transfer Order, dated August 22, 2005. Defendants' counsel is directed to serve a copy of this Order on counsel for all parties appearing in this case. Ordered by Judge E. Thomas Boyle on 10/7/05. (Joy, Dolores) (Entered: 10/07/2005) |
| 10/07/2005 | ● | Judge E. Thomas Boyle no longer assigned to case. (Lundy, Lisa) (Entered: 10/07/2005) |

